

環 保 工 程 商 會

ENVIRONMENTAL CONTRACTORS MANAGEMENT ASSOCIATION

19th February 2010

Your Ref : CBI/PL/EA

Our Ref : ECMA/2010/005

Legislative Council Secretariat
3rd Floor, Citibank Tower
3 Garden Road, Central
Hong Kong

Attn : Ms. Mandy Poon (Clerk to Panel)

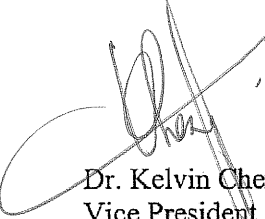
Dear Ms. Poon,

**A New Producer Responsibility Scheme
For Waste Electrical and Electronic Equipment**

Environmental Contractors Management Association (ECMA) refer to your invitation to attend the Panel on Environmental Affairs meeting scheduled at 2:30 pm on 22nd February 2010 for the above captioned subject. ECMA attach with this letter our written submission on our comment about the Consultation Paper.

Should you require any further information, please don't hesitate to contact the undersigned at Tel : 25630661.

Yours sincerely,
Environmental Contractors Management Association


Dr. Kelvin Cheng
Vice President

KC/wk

Encl

Questions in accordance to Section 9 of the Consultation Document	ECMA comment
(a) Should our WEEE Scheme cover (i) television sets, washing machines, refrigerators and air conditioners, and (ii) computer products? [cf. Paragraphs 4.2 to 4.3]	Yes, however suggest to review after the initial implementation stage, the situation for mobile phones and digital cameras and video game equipment as well. We would propose to have a very simple rule (for the waste producer): everything that has a plug for electricity or a battery connection should be included. Do it right and fully at the start of the scheme (introduction of phases confuses the public and frustrates the success)
(b) Should we introduce a licensing requirement for the dismantling and recycling of regulated WEEE and for the storage sites for used regulated products and regulated WEEE? [cf. Paragraphs 5.9 to 5.10]	By principle support the proposal, however government should address the difficulties of small local recyclers in complying with the license requirements
(c) Should regulated WEEE be banned from disposal as ordinary trash and be collected separately for recycling? [cf. Paragraphs 6.2 to 6.3]	Yes, the success of the scheme rely on proper banning of regulated items disposing at landfill, thus maximize recovering channel.
(d) Should retailers offer consumers mandatory take-back services free of charge on a "new for old" basis? [cf. Paragraphs 6.4 to 6.6]	Yes, this is the assurance for recovering the old WEEE. However the scheme should consider the constraints that retailers do not have the storage capacity for this. The alternative is to have an intense separate collection system for the retailers in place..
(e) Should we apply permit controls to the import and export of used regulated products and regulated WEEE? [cf. Paragraphs 6.7 to 6.8]	Yes, to ensure the WEEE treatment facility would not be exploit used by international trader. Clear mass balances should be provided. Basically import should not happen, export of recycled material should be licensed and controlled by the government
(f) Should some form of fee be introduced to recover the costs of the WEEE Scheme? [cf. Paragraphs 7.2 to 7.4]	Yes, in supportive of Product Eco-responsibility Ordinance. The fees should be collected by the retailers and deposited into a central governmental fund, from which the collection and recycling fees should be financed

The followings are some additional comments of ECMA after reading the Consultation Document :

	ECMA view
Should the WEEE scheme be managed by non-profit making Producer Responsibility Organisation (PRO) established by the trade ?	No, Hong Kong does not have a strong industrial base, relying on the importers, distributors and retailers to manage the scheme would be inefficient and cause unnecessary conflict of interest. Government should organize this.
Should the WEEE Management Contractors (WMCs) be appointed by open tender ?	In supportive of a pre-qualification process to screen out only highly qualified and technology sound companies following by an invited tendering process. . Tender is fine, preferable split into collection, dismantling, transfer and recycling.
Role of WEEE Management Contractors – establishes efficient collecting system, construct licensed recycling facilities, develop education / publicity programme to promote re-use and refurbishment of WEEE, meet the terms and conditions set forth by the Government).	In supportive, a proper financial and contractual arrangement should be established to attract international and local competent companies to bid for the tender, and allow sufficient flexibility to the successful contractor to develop the management system to achieve the operation and environmental performance criteria set by the Government.

Questions in accordance to Section 9 of the Consultation Document	ECMA comment
(g) Is an end-of-life fee infeasible in Hong Kong? Should a fee at the point of sale be applied instead? [cf. Paragraphs 7.2 to 7.4]	In supportive of fee collected at point of sale, to discourage illegal dumping. Besides that these systems cannot survive by itself. End of life fee is not sustainable.
(h) If we decide on a fee at the point of sale, should it be incorporated into the retail price as a combined payment? [cf. Paragraphs 7.2 to 7.4]	Yes it should based on a fixed (non discriminating) fee per type of appliance (e.g. TV set 100HKD)
(i) Under the “polluter pays” principle, the full costs of the scheme should be recovered. Should this principle be applied fully, with WEEE producers, including manufacturers, importers, brand agents, distributors, retailers and consumers, sharing out the full costs? [cf. Paragraphs 7.5 to 7.7]	This is almost not possible to get in place an allocation of “pollution”. The easiest is to have this on the level of the retailer included, so the END consumer pays
(j) Are there other stakeholders who you think should also share the costs? [cf. Paragraphs 7.5 to 7.7]	The others upstream will pay for it through the negotiations with the dealers. The major question is if the government is structurally allocating budgets to it
(k) Is it appropriate or necessary for the Government to provide some initial support to kick start the WEEE Scheme and facilitate the development of the recycling industry? [cf. Paragraphs 7.5 to 7.7]	Government should support the WEEE scheme at the initial stage, keep monitoring the performance if this can become a self-sustainable financial business model. We do not think it will be self sustainable, so it needs structural support